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MAY 23 2022

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Harry J. Williby

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CLERK, U.S. DISTRICT COURT NORTH DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

Harry J. Williby,

Plaintiff,

vs.

Sergey Brin,

Larry Page,

Pichai Sundararajan, a.k.a.,

Sundar Pichai, his predecessor,

Eric Schmidt, dba, Alphabet,

Inc.,

Google, LLC., and YouTube,

LLC., dba, Blogger, dba, Google

AdSense (Pay-Per-Click)

Mark Zuckerberg, dba,

Facebook, Inc.,

Jeff Bezos, dba,

Amazon.com, Inc., and

Doe(s)/Roe(s) 1-10,

Defendant(s).

Case No.: C22-01271-VCFIRST AMENDED MOTION FOR
ENTRY OF DEFAULT [Rule 55(a),
Federal Rules of Civil Procedure]

ORIGINAL

I. INTRODUCTION

The undersigned counsel, on behalf of plaintiff, Harry J. Williby, moves the Clerk of the Court for entry of a default as to defendants Sergey Brin, Larry Page, Pichai

1 Sundararajan, a.k.a., Sundar Pichai, his predecessor, Eric Schmidt, dba, Alphabet, Inc.,
2 Google, LLC., and YouTube, LLC., dba, Blogger, dba, Google AdSense (Pay-Per-Click)
3 and Mark Zuckerberg, dba, Facebook, Inc., upon the complaint heretofore filed and
4 served upon the defendant, in accordance with the provisions of Rule 55(a), Federal
5 Rules of Civil Procedure, and in support thereof shows the Court the following:
6

7
8 1. On March 28, 2021, the plaintiff filed in the United States District Court,
9 Northern District of California, San Francisco Division, a Complaint alleging certain
10 anticompetitive practices by defendants in violation of Section 1 and 2 of the Sherman
11 Act, 15 U.S.C. § 1; 15 U.S.C. § 2; and pendent state law claims. The clerk of the United
12 States District Court issued summons on March 1, 2022. A copy of said Summons (and
13 proofs of service) are filed herewith (and separate from this motion). A copy of the
14 Complaint is located on the PACER service and can be readily and electronically
15 accessed by each of the Defendants, jointly and severally, and is incorporated herein by
16 reference.
17

18
19 2. On March 9, 2022, a copy of said Summons & Complaint in this Civil
20 Action were served by the United States Postal Service (certified mail/Signature
21 Required) upon defendants' Attorney-of-Record, at the Defendants' place(s) of
22 business located at 1601 Willow Road, Menlo Park, California 94025 (picked up by
23 individual at post office); 1600 Amphitheatre Way, Mountain View, California 94043
24 (delivered front desk receptionist); and 243 Bartlett St., San Francisco, CA 94110. Two
25 (2) Copies of the Notice & Acknowledgement of Receipt (CCP § 415.30) with
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1 self-addressed, postage prepaid envelopes were enclosed and served upon each
2 defendant.
3

4 3. A Pro Se litigant's pleadings and papers are deemed served, upon delivery
5 of said papers and pleadings to the PostMaster General, or his designated
6 representative. [Citations omitted.]
7

8 4. A copy of the Summons, Proof of Service (FRCP 4(l), are filed herewith
9 (separately) and incorporated herein by reference.

10 5. On April 1, 2022, twenty-one days had elapsed since the service of said
11 Summons & Complaint upon defendants, and no Answer thereto having been served by
12 defendant, plaintiff attempted to contact each defendant by phone, to no avail.
13

14 6. California Code of Civil Procedure § 415.30, requires personal service on
15 the Defendants after service by mail. On April 15, 2022, Plaintiff, in fact, caused
16 personal service upon the Defendants' Attorneys of Record. In the State of California,
17 service is effected upon the represented party's attorney of record. [Citations omitted.]
18 As of May 18, 2022, neither Defendant has filed, nor served an answer upon the
19 Plaintiff.
20

21 7. The Defendants, jointly and severally, have failed to plead, or otherwise
22 defend this action, and the Plaintiff is entitled to entry of default judgment against the
23 defendants, and each of them, jointly and severally.
24

25 8. Pursuant to the provisions of Rule 55(a), Federal Rules of Civil Procedure,
26 the Clerk is empowered to enter a default against the defendants after written notice of
27
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1 this action has been given to the defendants, and defendants failure to respond, or
2 contest service. as set forth in the attached affidavit.
3

4 **PRAYER**

5 **WHEREFORE**, plaintiff prays that the Clerk of this Court enter a default against
6 defendants, and each of them, jointly and severally, and the Court issue and enter
7 default judgment in favor of Plaintiff, as provided in the proposed Final Judgment filed
8 hereafter this Motion.
9

10 **AFFIDAVIT**

11 I, Harry J. Williby, do hereby certify that the statements and allegations set forth
12 in the foregoing Motion are true and accurate to the best of our knowledge and belief.
13
14

15 Dated this 18th day of May, 2022
16

17 Harry J. Williby (CGS)

18 Harry J. Williby

19 Bar #: In Pro Se

20 Address: P.O. Box 990755

21 City/State/Zip: Redding, CA

22 Phone: 000-000-0000

23 Email: wilabee@protonmail.com
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAIL

I am employed/reside in the County of Shasta, State of California. I am over 18 years of age and a party to the action within. My business address is 1124 Continental St. - Redding, California 96001.

On this 18th day of May of the year 2022 I served the foregoing document(s) described as follows:

Request for Entry of Default [FRCP 55(a)].

by placing the ☐ **Original** ☒ **a true copy(ies)** thereof enclosed in a sealed envelope(s) addressed as follows:

See Attached Mailing List

☐ **(BY ELECTRONIC MAIL)** I am readily familiar with the practice of using electronic mail, and on _____, I caused the above-named [Google] documents to be attached to an electronic mail from harrywillliby@gmail.com to:

☒ **(BY MAIL, STATE OR FEDERAL)** I am readily familiar with the practice of the United States Postal Service for the collection and processing of correspondence for mailing within the State of California. Pursuant to that practice, the above-referenced document(s) would, with the United States Postal Service, First Class, postage prepaid, on this date, at the main Post Office located in Redding, California.

☐ **(FEDERAL)** I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

☐ **(BY PERSONAL SERVICE)** I delivered such envelopes(s) by hand to the addressee(s).

☐ **(BY FACSIMILE)** I caused each document to be sent to the following number(s):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 18th day of May of the year 2022 at Redding, California, County of Shasta.

William Keller

William Keller

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% Nicole Alston, General
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ORIGINAL